

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEWIS & CLARK MARINE, INC. and,)
JEFFERSON BARRACKS MARINE)
SERVICE, INC.)

Petitioners,)

vs.)

DONNA COOMBS and RHONDA ROHR,)

Claimants.)

AMERICAN COMMERCIAL)
LINES, L.L.C.,)

Petitioner,)

vs.)

DONNA COOMBS and RHONDA ROHR,)

Claimants.)

FILED
APR 13 2001
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

Case No. 4:00CV1289-DJS ✓

Case No. 4:01CV66-DJS

MEMORANDUM

These limitation of liability actions arise from the same marine accident and involve claims asserted by the same two claimants for the death of their mother. All three petitioners are represented by the same counsel. The Court has held a joint Rule 16 conference in the two actions, and the parties have expressed, both in their Joint Proposed Scheduling Plan and at the conference, their desire for consolidated proceedings in the two cases. No motion for consolidation has yet been filed.

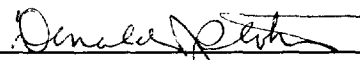
Typically, once consolidation is ordered, all subsequent filings bear the dual caption, but are docketed and filed only in one of the two cases, until final judgment. The complaints would

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remain in their respective files, and separate final judgments appropriate to each complaint would ultimately be docketed in the respective actions to close each file. Trial would proceed jointly in one consolidated proceeding, subject to any later determinations that some manner of bifurcation is appropriate.

At the Rule 16 conference, counsel for petitioners indicated an intention to join an additional party to these actions. Because the formal pleadings remain separate despite consolidation, the Court prefers to wait until the pleadings are amended and the claims asserted therein are at issue either through responsive pleadings or default, before issuing the formal consolidation order. The parties are encouraged to commence discovery in a coordinated fashion, however, and the Court's management of the action will be based on principles of coordination even prior to the entry of a consolidation order. Consistent with the Court's direction herein, or at any earlier time if they deem it necessary, the parties may seek the issuance of a consolidation order by the filing of a motion to consolidate.

Dated this 13th day of April, 2001.



United States District Judge

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE
FOLLOWING INDIVIDUALS ON 04/16/01 by kstamm

4:00cv1289 Lewis & Clark Marine vs

46:0181 Admiralty Liability

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SCANNED & FAXED BY:

APR 16 2001

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